

**ASSEMBLY BILL**

**No. 1169**

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**Introduced by Assembly Member Torrico**

February 22, 2005

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An act to amend Sections 241.3, and 243.3 of, and to add Section 241.35 to, the Penal Code, relating to crimes against transit district operators.

LEGISLATIVE COUNSEL'S DIGEST

AB 1169, as introduced, Torrico. Transit district operators: assault and battery: penalties.

Existing law makes it an offense to assault any person on the property of, or on a motor vehicle of, a public transportation provider, and provides that the offense is punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail not to exceed one year, or by both the fine and imprisonment.

This bill would provide, in addition, that when an assault is committed against the operator of a transit district's vehicle while the operator is performing his or her duties, and the person knows or reasonably should know that the victim is engaged in the performance of his or her duties, the offense shall be punished by a fine not to exceed \$5,000 or by imprisonment in a county jail not to exceed one year, or by both the fine and imprisonment.

This bill would further provide that when an assault is committed against the operator of a transit district's vehicle while the vehicle is in motion, the offense would be punished by a fine not exceeding \$10,000 or by imprisonment in a county jail not exceeding one year, or in the state prison for 16 months, or by both the fine and imprisonment.

Existing law provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, as specified, the penalty is imprisonment in a county jail not exceeding one year, or a fine not exceeding \$10,000, or both the fine and imprisonment. Existing law also provides that the victim is injured, the offense would be punished by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, or two or three years, or by both that fine and imprisonment.

This bill would provide that a battery committed against the operator of a transit district's vehicle while the vehicle is in motion would be punishable by the same penalty as when the victim is injured, as described above.

By expanding the scope of an existing crime, and creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 241.3 of the Penal Code is amended to  
2     read:  
3     241.3. (a) ~~When~~ (1) *Except as provided in paragraph (2),*  
4     *and Section 241.35 when* an assault is committed against any  
5     person on the property of, or on a motor vehicle of, a public  
6     transportation provider, the offense shall be punished by a fine  
7     not to exceed two thousand dollars (\$2,000), or by imprisonment  
8     in a county jail not to exceed one year, or by both the fine and  
9     imprisonment.  
10    (2) *When an assault is committed against the operator of a*  
11    *transit district's vehicle while the operator is performing his or*  
12    *her duties, and the person knows or reasonably should know that*  
13    *the victim is engaged in the performance of his or her duties, the*  
14    *offense shall be punished by a fine not to exceed five thousand*

1 *dollars (\$5,000), or by imprisonment in a county jail not to*  
2 *exceed one year, or by both the fine and imprisonment.*

3 (b) As used in this section, “public transportation provider”  
4 means a publicly or privately owned entity that operates, for the  
5 transportation of persons for hire, a bus, taxicab, streetcar, cable  
6 car, trackless trolley, or other motor vehicle, including a vehicle  
7 operated on stationary rails or on a track or rail suspended in air,  
8 or that operates a schoolbus.

9 (c) As used in this section, “on the property of” means the  
10 entire station where public transportation is available, including  
11 the parking lot reserved for the public who utilize the  
12 transportation system.

13 SEC. 2. Section 241.35 is added to the Penal Code, to read:

14 241.35. When an assault is committed against the operator of  
15 a transit district’s vehicle while the vehicle is in motion, the  
16 offense shall be punished by a fine not exceeding ten thousand  
17 dollars (\$10,000) or by imprisonment in a county jail not  
18 exceeding one year, or in the state prison for 16 months, or by  
19 both the fine and imprisonment.

20 SEC. 3. Section 243.3 of the Penal Code is amended to read:

21 243.3. ~~When~~ (a) *Except as provided in subdivision (b), when*  
22 *a battery is committed against the person of an operator, driver,*  
23 *or passenger on a bus, taxicab, streetcar, cable car, trackless*  
24 *trolley, or other motor vehicle, including a vehicle operated on*  
25 *stationary rails or on a track or rail suspended in the air, used for*  
26 *the transportation of persons for hire, or against a schoolbus*  
27 *driver, or against the person of a station agent or ticket agent for*  
28 *the entity providing the transportation, and the person who*  
29 *commits the offense knows or reasonably should know that the*  
30 *victim, in the case of an operator, driver, or agent, is engaged in*  
31 *the performance of his or her duties, or is a passenger the offense*  
32 *shall be punished by a fine not exceeding ten thousand dollars*  
33 *(\$10,000), or by imprisonment in a county jail not exceeding one*  
34 *year, or by both that fine and imprisonment. If*

35 (b) *If an injury is inflicted on that victim, or if the battery is*  
36 *committed against the operator of a transit district’s vehicle*  
37 *while the vehicle is in motion, the offense shall be punished by a*  
38 *fine not exceeding ten thousand dollars (\$10,000), or by*  
39 *imprisonment in a county jail not exceeding one year or in the*

1 state prison for 16 months, or two or three years, or by both that  
2 fine and imprisonment.  
3 SEC. 4. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the  
8 penalty for a crime or infraction, within the meaning of Section  
9 17556 of the Government Code, or changes the definition of a  
10 crime within the meaning of Section 6 of Article XIII B of the  
11 California Constitution.

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